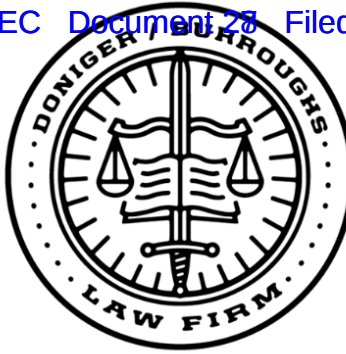


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July 12, 2023

DELIVERED VIA ECF

The Honorable Valerie Caproni
Thurgood Marshall
United States Courthouse
40 Foley Street, Courtroom 443
New York, New York 10007-1312

USDC SDNY
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DATE FILED: 07/12/2023

MEMO ENDORSED

Case: *August Image LLC; et al. v. Girard Entertainment & Media, LLC; et al.*, 1:23-cv-1492-VEC
Re: Letter Request for adjournment of July 21, 2023 Hearing

Your Honor:

Our office represents Plaintiffs August Image LLC and Mark Seliger in the above-mentioned matter. We write to the Court to respectfully request a second brief adjournment of the July 21, 2023 initial pretrial conference and OSC. Counsel for Defendants initially stated that she did not consent to the adjournment on the grounds that Plaintiffs should have raised the issue earlier, but then advised Plaintiffs that she could do a hearing “anytime next week except Tuesday afternoon or July 24 or 25 (so long as it ends by 3:30), and possibly the 25th although not ideal.”

Given the OSC set by the Court, Stephen Doniger plans to attend the hearing. And as noted in the prior adjournment request (ECF No. 24) “Mr. Doniger is based out of Los Angeles and has a pre-planned family trip to Europe which leaves from Los Angeles on the morning of June 24...” He acknowledges that this Court issued its Order granting the parties prior request to adjourn the initial pretrial conference (then set for June 23) on June 16, 2023 and apologizes for not raising this issue sooner. Unfortunately, in that week between June 16, 2023 and him leaving for his 2-week family trip, Mr. Doniger was singularly focused on managing an extremely heavy workload with deadlines before that trip, including an opposition to a motion for judgment on the pleadings (*Alexander Stross v. Houzz, Inc. et al.*, 2:23-cv-00211-WLH-PD), two supplemental briefs to address the effect of new authority on a pending summary judgment motion (*Brandon Vogts v. Penske Media Corporation et al.*, 2:22-cv-01153-FWS-PVC), a motion for reconsideration (*Freeman v. Deebs-Elkenaney et al.*, 1:22-cv-02435-LLS-SN), and a significant number of other matters including time-sensitive discovery matters. That workload, in addition to trip-planning and other family commitments (including his son’s birthday and school graduation events for his two children), made the week uniquely consuming and Mr. Doniger simply did not look ahead to realize the conflict until he returned to the United States on the afternoon of July 10, 2023 and reviewed his calendar for the month ahead.

Mr. Doniger currently has depositions scheduled every day next week and a hearing in Los Angeles on July 21, 2023 on an opposed motion filed by the defendants in *Harvest Aid, LLC v. Steven Paul et al.*, 2:21-cv-04154-SSS-KS in which Mr. Doniger is lead counsel. That motion is time sensitive in that it seeks amendment of the pretrial schedule to move a recently passed deadline and so Defendants are unwilling to move the hearing date (and Mr. Doniger has no ability to otherwise move it). And the depositions set for next week have taken months to schedule and it would compromise the prosecution of that case to alter the schedule at this point.

Based on the foregoing, Plaintiffs respectfully request a brief second adjournment of the initial pretrial conference to July 24, 25, or 26, 2023. Mr. Doniger can also be available August 7, 8, 9, 10, 11, 16, 17, and 18. We thank Your Honor for your attention to this matter.

Respectfully submitted,

By: /s/ Stephen M. Doniger
Stephen M. Doniger
DONIGER / BURROUGHS PC

The initial pretrial conference in this matter is ADJOURNED to **Friday, August 11, 2023, at 10:00 A.M.** in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007. The parties' pre-conference submissions, as described at Dkt. 22, are due on **August 3, 2023**. No further adjournment requests will be granted absent extraordinarily good cause in light of the lengthy adjournment. Plaintiff's counsel is reminded to be more careful in complying with the Undersigned's Individual Practices moving forward, which require all adjournment or extension requests to be made at least 48 hours prior to the original date.
SO ORDERED.



07/12/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE